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7 Attorneys for Plaintiff, Lawrence Peck, as an individual,
8 for himself, and on behalf of all others similarly situated

9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

11 LAWRENCE J. PECK, an
12 individual and on behalf of all other
13 similarly aggrieved employees,

14
15 Plaintiff,

16
17 vs.

18
19 SWIFT TRANSPORTATION CO.
20 ARIZONA, LLC and DOES 1
through 30, inclusive,

21
22 Defendants.
23
24

Case No.: 5:17-cv-1695 MWF
(GJSx)
Assigned to Hon. Michael W.
Fitzgerald

[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION
REMANDING ACTION TO STATE
COURT AND AWARDED
ATTORNEYS' FEES

Date: October 16, 2017
Time: 10:00 a. m.
Court: Courtroom 5A

Complaint Filed: Nov. 20, 2014
FAC filed: Dec. 3, 2014
Complaint Removed: Aug. 21, 2017
Trial Date: None

1 The Court, having reviewed the moving, opposing and reply papers, and good
2 appearing, hereby rules as follows:

3
4 Plaintiff's Motion for Order Remanding Removed Action to State Court
5 and Awarding Attorneys' Fees is GRANTED.
6

7 The Court finds it lacks subject matter jurisdiction over this case. This
8 case is hereby remanded back to the Riverside County Superior Court, where it
9 was originally filed.
10

11 The Court further finds that Defendant Swift Transportation Co. of
12 Arizona, LLC and its lawyers (Sheppard, Mullin, Richter & Hampton LLP)
13 lacked a reasonable basis for seeking removal. Therefore, the Court awards
14 reasonable attorney's fees of \$12,750 to reimburse Plaintiff's lawyers (Law
15 Offices of Neal J. Fialkow, Inc.) and to be paid by Defendant Swift
16 Transportation Co. of Arizona, LLC and its lawyers (Sheppard, Mullin,
17 Richter & Hampton LLP).
18

19 Dated: September 15, 2017
20
21

22 BY: _____
23 Hon. Michael W. Fitzgerald
24 United States District Judge

25 Presented by: LAW OFFICES OF NEAL J. FIALKOW, INC.

26 BY: /s/Neal J. Fialkow
27 Neal J. Fialkow
28 Attorney for Plaintiff, Lawrence Peck

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION REMANDING
ACTION TO STATE COURT AND AWARDING ATTORNEYS' FEES - 2